AMENDMENT TO THE DRAWING(S)

Fig. 4 has been amended. The attached sheet of formal drawing replaces the original sheet including Fig. 4.

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated March 3, 2009.

Preliminarily, the Applicant has introduced a minor change into Fig. 4, correcting typographical errors. Approval is respectfully requested.

Claims 1-4 and 6-10 are stated to be obvious over Chen (US 1003/0161284) in view of Mizutani et al. (US 2001/0031634). Claim 5 is stated to be obvious over Chen in view of Mizutani, in further view of Larsson et al. (US 2003/0100318). Reconsideration is requested in view of the amendments to the claims herein and the following remarks.

Claim 1 is the sole independent claim in the application and includes the recitation that the radio base station apparatus includes:

> "a shared resource unit having a processing device, as a shared resource, for processing a signal of each call; and
>
> a buffer unit for sending a received signal to said processing device of said shared resource unit when the received signal is a signal of a call which is in a diversity hand-over state, such that the received signal can be transmitted at a predetermined timing synchronized for multiple base stations, and for holding the received signal in a data buffer, when the received signal is not a signal of a call which is in a diversity hand-over state, and for subsequently sending the received signal to said processing device at a timing at which said processing device becomes available." (Emphasis added).

The primary reference, Chen, is indeed configured to handle "soft handover," as described in paragraphs [0046] - [0052] thereof. Further, Chen describes a prioritizing scheme which involves queuing as is evident from the text beginning at paragraph [0114] *et seq.* In other words, packets are queued and handled according to their priority of service status. *See* for example paragraph [0119].

Nonetheless, Applicant respectively disputes the notion that this reference truly discloses or even possesses "a shared resource unit" in the sense of the present claims.

More importantly, the notion of a shared resource unit is intertwined with the function provided by the buffer unit and the overall a radio base station apparatus pursuant to which the received signal is sent to the processing device of the shared resource unit when the received signal is a signal of a call which is in a diversity hand-over state. The purpose of that shared resource unit is:

> ". . . such that the received signal can be transmitted at a predetermined timing synchronized for multiple base stations. . . ."

In contrast, when a signal is not a diversity hand-over type of a signal, different timing is applicable which depends on the availability of the processing device. This structure and functionality are simply not found in Chen.

Please note that the importance of the term "predetermined timing," and the purpose thereof are described at Paragraphs [0043] and [0044] in the instant Specification. In Paragraph [0043] it is explained:

> "This predetermined timing is determined such that the same packet data transmitted from the same mobile station 14 are received by base station controller 12 at the same timing from a plurality of radio base stations 13 which are involved in the diversity hand-over."

In the Office Action it is acknowledged that Chen's "prioritized timing" scheme ". . . does not explicitly disclose the call is transmitted at a predetermined timing. Mizutani teaches a call with high priority is transmitted at a predetermined timing" citing to paragraphs [0007] and [0034] of Mizutani.

Paragraphs [0007] and [0034] are not shown in Mizutani, identified as U.S. Patent No. 7,085,579 in the "Notice of References Cited." Rather, the Examiner is directing Applicant to the published version of the patent, which contains such paragraph numbers. But, regardless, in the referenced paragraphs of the published version of the cited reference mention is made of a representative embodiment according to this reference, in which a mobile station "sends a priority request to a radio base station, which, upon receiving the priority request, periodically sends a reply to the priority-requesting mobile station." *See* paragraph [0007] which bridges the two columns on page 1 of this reference. In paragraph [0034] the same mode of operation is described where a mobile station periodically sends a priority request to a radio base station which upon receiving the priority request, periodically sends a reply to the priority-requesting mobile station. *See* page 3 of this publication.

Regardless, the text referenced in the Office Action simply does not teach "predetermined timing associated with multiple radio base stations" for the purpose of soft-handover operation.

Accordingly, the Applicant cannot agree and therefore traverses the assertion in the Office Action that the contents of the two references Chen and Mizutani meet the terms of independent

claim 1. For this reason it is respectfully submitted that independent claim 1, as amended, distinguishes over the art of record and so do its dependent claims 2-10 which contain the limitations of claim 1, and their own further limitations.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING SUBMITTED ELECTRONICALLY THROUGH THE UNITED STATES PATENT AND TRADEMARK OFFICE EFS FILING SYSTEM ON MAY 13, 2009

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